## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

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10. DISTRICT COURT

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TX EASTERM-MARSHALL

BY\_\_\_\_

BBG COMMUNICATIONS, INC.; and BBG HOLDINGS LIMITED

VS.

NETWORK COMMUNICATIONS INTERNATIONAL CORP., BLUE PHONE LIMITED; WILLIAM POPE; JAY WALTERS; and JEFFERY WALTERS Civil Case No. 2:03-CV-227 (WARD)

## PLAINTIFF BBG'S REPLY TO NCIC'S OPPOSITION TO BBG'S MOTION FOR SANCTIONS AGAINST JERALD R. HARPER

COMES NOW, Plaintiff BBG COMMUNICATIONS, INC. ("BBG") and files this Reply to NCIC's Opposition to BBG's Motion for Sanctions against Jerald R. Harper. In support thereof, BBG will show the following:

NCIC's response created the illusion that Solomon Harris' relationship to the litigation at hand was disclosed to BBG and counsel for Michael Stomps. Any assertion which creates such an illusion is pure fantasy.

While BBG was aware that the deposition would take place at the law office of Solomon Harris, there was absolutely no reason to suspect that Solomon Harris would be acting as co-counsel for NCIC and against the interest of its former client, Michael Stomps. (See Exhibit A).

Furthermore, counsel for BBG did not state that it "in no way approved of, condoned, or understood the position taken by Mr. Stomps' counsel in terminating the deposition.

These words were simply never uttered (*See id.*).

BBG still believes there was an intentional effort to conceal the nature of the relationship between NCIC and Solomon Harris. BBG remains firm in its assertion that this relationship was not disclosed in order to prevent discussion of the obvious issues of attorney-client conflict until all parties were in the Cayman Islands.

Respectfully submitted,

Gregov P. Love

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ATTORNEYS FOR PLAINTIFFS BBG COMMUNICATIONS, INC BBG HOLDINGS LIMITED

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on all parties via facsimile transmittal this \_\_\_\_\_ day of June, 2004.

STATE OF TEXAS
COUNTY OF RUSK

AFFIDAVIT OF GREGORY P. LOVE

BEFORE ME, the undersigned authority, did on this day personally appear GREGORY P. LOVE, who after being duly sworn, did on his oath depose and state the following:

"I have read NCIC's Opposition to Motion for Sanctions against Jerald R. Harper. As it creates the illusion that counsel for BBG was aware of the capacity in which Solomon Harris was acting on behalf of NCIC, I strongly object. Counsel for BBG was aware that the deposition would take place at the offices of Solomon Harris. Counsel for BBG had no reason to suspect that Solomon Harris was retained as co-counsel to act against the interests of its former client. Michael Stomps. Acting as counsel for BBG, I did not represent to Jerald Harper that I "in no way approved, of, condoned, or understood" counsel for Michael Stomps' decision to terminate the deposition."

Gregory P. Dove

SUBSCRIBED AND SWORN TO before me, the undersigned authority on the 24<sup>th</sup> day of June, 2004.

MICHELLE L. HARRIS
MY COMMISSION EXPIRES
January 12, 2007

Michelle A. Naui Notary Public in and for the State of Texas